



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, SECOND SESSION

Vol. 150

WASHINGTON, THURSDAY, APRIL 29, 2004

No. 57

Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Pastor John Bengston, of All Saints Lutheran Church in Bowie, MD.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

Lord God, Sovereign of the universe and giver of holy love to each person, receive our thanks for the gift of this day, the opportunity we have to be alive, mobile, well fed and clothed, and gathered with purpose. Help us, we humbly pray, that each of us live in concert with Your purpose of mercy and justice, love and grace. We also thank You for ordaining government in the human family so that the human community might live with order, dignity, respect, and care under Your design and will.

Thank You for those who serve in the Senate as elected Members and as staff. You have placed upon them all an awesome responsibility, so we ask You to give them comparable discernment, courage, and concern for their calling. Bless all who work within these walls that Your Spirit may inspire, guide, and prod each one to serve You first. Bless also those citizens who will visit the gallery today, observing the workings of Government and the deliberations of this body. Thank You for their interest, and may they be able to perceive Your hand at work in the discussions and decisions of the United States Senate.

This world faces tremendous challenges, O Lord of the nations. Please give to all, especially those who bear the responsibility of office here and elsewhere, the patience necessary to seek harmonious resolution of those challenges. Hear our prayer and give ear to our supplications. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

LEADER TIME

The PRESIDENT pro tempore. Under the previous order, there will now be a period of leader time under the standing order.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today the Senate will be in a period of morning business for up to 90 minutes. The first 30 minutes will be under the control of the Democratic leader or his designee, the second 30 minutes will be controlled by this side of the aisle, and the final 30 will be divided between Senators MCCONNELL and FEINSTEIN.

Following that morning business period, the Senate will resume consideration of S. 150, the Internet access tax measure. There will be an additional hour for debate prior to the first of the scheduled cloture votes. The first vote will be on invoking cloture on the Daschle ethanol amendment to the Internet bill. If cloture fails, we will go immediately to a cloture vote on the Domenici energy package. Finally, if cloture has not been invoked to that point, the Senate will proceed to a cloture vote on the pending McCain substitute regarding the Internet tax moratorium.

Having said that, it has been my goal from the start to finish this Internet legislation. This week has been set aside for consideration of this matter. I

hope we can stay late and finish the bill.

Mr. President, I briefly wish to comment on the first two cloture votes, opening with the fact that I am a strong supporter of the ethanol provision that the Democratic leader has pulled out of the Energy bill and offered as an amendment to the original language of the Internet tax bill. In fact, I joined the minority leader in offering very similar language to the Energy bill when it was considered on the Senate floor last summer.

While I do support the renewable fuels standard as a matter of policy, there are many other important provisions included in the Energy bill that at this point I am not prepared to abandon.

We in the United States need a comprehensive national energy policy. We have gone on for way too long without that policy, and we see the consequences of that every day. We see it in our rising dependence on foreign oil. We see it in last summer's blackout in the Northeast and today's record high gas prices, and in skyrocketing natural gas prices, which are hurting farmers and manufacturers and consumers alike.

The slimmed-down Energy bill that Chairman DOMENICI has offered as a second-degree amendment addresses each of these issues. It lays out a balanced national energy policy that will lessen our reliance on foreign energy, thereby enhancing both our economic security as well as our national security. Senator DOMENICI's plan will help diversify our energy supply and encourage the use of renewable energy sources such as wind and solar energy and ethanol, all of which decreases our reliance on foreign oil and increases our own energy independence.

Moreover, it will facilitate the construction of the Alaska natural gas pipeline. This is perhaps the single most important thing we can do to increase our supply of natural gas, by

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S4625

transporting it from Alaska's North Slope to the lower 48 States.

The Domenici amendment will also strengthen our electricity grid and make it easier to build transmission lines. With these improvements we will be better able to prevent blackouts such as the one last summer that blanketed 50 million Americans from the Northeast to the Midwest.

The Domenici plan promotes clean coal technology, hydrogen fuel cells, clean nuclear energy, and domestic oil and gas production consistent with protecting the environment. It also encourages conservation and energy efficiency.

We need all of these components in order to have an effective national energy policy. While the ethanol mandate is vitally important, we need a comprehensive plan that addresses all of our energy needs. That is why I urge my colleagues to oppose cloture on the Daschle amendment and to support cloture on the Domenici amendment. We should not break apart the Energy bill and attempt to pass it piecemeal. America needs an energy plan that increases our economic security, our energy independence, and adequately meets the demands of the 21st century.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT *pro tempore*. The Democratic leader is recognized.

TRUST AND TREATY OBLIGATIONS TO INDIAN PEOPLE AND TRIBES

Mr. DASCHLE. Mr President, an historic gathering took place in South Dakota last week. For 2 days, Indians and non-Indians came together to discuss how they could improve the schools attended by Indian children in South Dakota.

The South Dakota Indian Education Summit was sponsored by our Governor, Mike Rounds, and our state Education Department, working with tribal leaders and educators. It grew out of an extraordinary conference last October that I was proud to cosponsor. That Gathering and Healing of Nations conference brought Indians and non-Indians together to talk honestly about the issues that divide us, and the issues that unite us.

At the Indian Education Summit last week, most of the discussion focused on how to make sure the No Child Left Behind Act improves the schools Indian children attend. As we all know, concerns about No Child Left Behind are not limited to Indian Country. But they are especially acute in many parts of Indian Country, largely because of the Federal Government's long history of severely underfunding Indian education. I have heard from many Indian educators who tell me they are deeply concerned that the Federal Government will not provide Indian schools with the resources they need to meet

the higher standards in No Child Left Behind. They are worried as well that the Bureau of Indian Affairs and the Department of Education may be placing too much emphasis on testing students and labeling schools—and not enough emphasis on helping schools correct problems. They're concerned about preserving native cultures and languages.

These are all legitimate concerns. We need to pay attention to them. That is why I have asked the Senate Indian Affairs Committee to hold hearings on how the No Child Left Behind Act is being implemented in Indian Country. I have not received a reply yet from the committee chairman, but I am hopeful that there will be agreement on the importance of holding such a hearing. I know he cares deeply about the need for the Federal Government to honor its trust and treaty obligations regarding education.

President Bush has proposed three Federal budgets since he signed the No Child Left Behind Act. All three have shortchanged No Child Left Behind. The President's proposed budget for next year—fiscal year 2005—underfunds the new law by \$9.4 billion. Schools serving Indian children are among the oldest, poorest, and most crowded schools in America. They have been drastically underfunded for decades. The last thing children attending Indian schools need is to be denied the opportunities, resources, and good teachers the new law promises—and then have their schools labeled as “failing.”

That is why, during debate last month on the budget resolution for next year, Democrats offered an amendment to fully fund No Child Left Behind for all schools, including BIA schools. Regrettably, Republicans defeated our amendment. But we are not giving up. We will continue to press to make sure No Child Left Behind is funded adequately and implemented sensibly in Indian Country, so that this Nation leaves no Indian child behind, either.

America also needs to face up to the massive school facilities problem in Indian Country. There is an overwhelming backlog of facility repair and construction projects for BIA schools, and the BIA estimates the cost of completing those projects at nearly \$1.2 billion.

In 2000, when he was running for President, then-Governor Bush met with tribal leaders in New Mexico and promised to invest \$1 billion to fix crumbling BIA schools. Yet the President's proposed budget for next year cuts funding for Indian school, reconstruction for the second year in a row. That is wrong.

Crow Creek Tribal Schools in Stephan, SD are among the nearly 200 BIA-funded and BIA-operated schools in the United States. Their buildings are typical of schools throughout Indian Country. They are crowded, crumbling, and outdated. Some of them date

to the 1930s. Between 500 and 600 students attend classes in them. Two years ago, Crow Creek's middle school was condemned and replaced with modular trailers. An elementary school also need to be replaced. The high school gym is in such poor structural condition that it can only be used for limited purposes; the district has to rent gym space from other schools for basketball games. They don't know where they will hold their graduation this year.

Crow Creek Tribal Chairman Duane Big Eagle has been lobbying for money to fix the schools on the reservation for 25 years. Two months ago, he drove 4,000 miles to try to find someone in the Federal Government who would help him. He drove first to the BIA facilities and construction office in Albuquerque. When he found no help there, he drove to BIA headquarters in Washington, DC.

Senator TIM JOHNSON and I met with Chairman Big Eagle while he was in Washington, and I have since spoken with BIA officials about the Crow Creek schools. I am pleased to report that the BIA has agreed to provide \$2.5 million for a new 17,000-square-foot gymnasium.

But there are still schools all over Indian Country where conditions would shock most Americans—schools with no heat and schools where the cold wind whips in through broken windows. Schools where trash cans are positioned in classrooms to catch the rain water that pours in through holes in the roofs.

The He Dog Tribal School in Rosebud is a two-story brick building built in the 1930s. Its “library” is three shelves of books on one bookcase.

A while back, leaders from the Dakota Area Consortium of Treaty Schools proposed a smart way to address the backlog of school construction needs in Indian Country. Their proposal called for the creation of a new Indian school-bonding authority that would use Federal dollars to leverage other funds.

We have been working with Senator JOHNSON to help create this authority, and we now have bipartisan support. We ought to consider it—and any other innovative ideas people may have to deal with the school-construction backlog—and then we must act.

It shouldn't take a tribal chairman driving thousands of miles for Indian children to be able to attend safe schools with adequate space and up-to-date books and computers. The right to attend a good school should be the birthright of every child in America. But Native American children have a special claim on this right.

Our Government has given its word, in treaties and laws, to provide education, health care, housing, and other basic necessities to Indian tribes and their members forever.

Education and other Federal programs serving Native Americans are not handouts; they are treaty obligations. They are installment payments